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A  
DECLARATION  
OF THE  
LORDS AND COMMONS  
Assembled in Parliament,  
In Answer to the  
KING'S DECLARATION  
Concerning ·H U L L.

*Die Mercurii, 25 Maii 1642.*

Ordered by the Lords in Parliament, that this Declaration  
shall be forthwith printed and published.

*Io. Browne Cleric, Parliamentor.*



LONDON,  
Printed for *Ioseph Humscot*, and *Iohn Wright*.  
May 26. 1642.



A  
DECLARATION  
OF BOTH HOUSES OF  
PARLIAMENT.



Although the great affaires of this kingdome, and the miserable and bleeding condition of the kingdome of *Ireland*, affords us little leasure, to spend our time in Declarations, and in Answers and replies ; yet the Malignant party about his Majesty, taking all occasions to multiply calumnies upon the Houses of Parliament, and to publish sharpe invectives under his Majesties name, against them and their proceedings ( a new engine which they have invented to heighthen the distractions of this kingdome, and to beget and increase distrust and disaffection betweene the King and his Parliament, and the People) we cannot be so much wanting to our owne Innocency or to the duty of our trust, as not to cleere our selves from those false aspersions, and (which is our cheifest care) to disabuse the Peoples minds and open their eyes, that under the false shewes and pretexts of the Law of the Land, and of their owne rights and Liberties, they may not be carried into the road way, that leadeth to the utter ruine and subversion thereof. A late occasion that these wicked spirits of division have taken to defame, and indeed to arraigne the proceedings of both houses of Parliament hath beene from our Votes, of the 28. of *April*, and our declaration concerning the businesse of *Hull*, which because we put forth before

before we could send our answer, concerning that matter unto his Majesty, those mischievous instruments of dissention, betwene the King, the Parliament, and the people; whose chiefe labour and Study, is to misrepresent our actions to his Majesty, and to the Kingdome; would needs interpret this, as an appeal to the People, and a declining of all intercourse betwene his Majesty and us, as if we thought it to no purpose, to endeavour any more to give him satisfaction; and without expecting any longer our answer, under the name of a Message from his Majesty to both houses, they themselves have indeed made an appeal to the people, as the Message it selfe doth in a manner grant it to be, offering, to joyn issue with us in that way, and in the nature thereof, doth cleerely shew it selfe to be no other; therefore we shall likewise addresse our answer to the Kingdome, not by way of appeale as we are charged, but to prevent them from being their owne executioners, and from being perswaded under false colours of defending the Law, and their owne liberties, to destroy both with their owne hands, by taking their lives, liberties, and estates, out of their hands, whom they have chosen and entrusted therewith, and resigning them up unto some evill Councillors about his Majesty, who can lay no other foundation of their owne greatnesse, but upon the ruine of this, and in it of all Parliaments, and in them of the true Religion and the freedome of this Nation. And these are the men that would perswade the people that both Houses of Parliament containing all the Peeres, and representing all the Commons of England, would destroy the Lawes of the Land, and the liberty of the people; wherein besides the trust of the whole they themselves in their owne particulars have so great an interell of honour, and estate, that we hope it will gaine little credit with any that have the least use of reason, that such as trust have so great a share in the misery, should take so much paines in the procuring thereof, and spend so much time, and runne so many hazards, to make themselves slaves, and to destroy the property of their estates: but that we may give particular satisfaction to the severall imputations cast upon us, we shall take them in order, as they are laid upon us in that Message. First we are charged for the avowing of that act of Sir John Hotham, which is termed unparaleld, and an high and unheard of affront unto his Majesty, and as if we needed not to have done it, he being able as is alleged, to produce no such command of the houses of Parliament.

Although Sir John Hotham had not an order that did expresse every circumstance of that case, yet he might have produced an order of both houses, which did comprehend this case, not only in the cleere intenti-

on, but in the very words thereof, which knowing in our consciences to be so, and to be most necessary for the safety of the kingdome, we could not but in honour and Justice avow that Act of His, which wee are confident will appeare to all the world, to be so farre from being an affront to the King, that it will be found to have beene an Act of great Loyalty to his Maiesty, and to his kingdome.

The next charge upon us is, that instead of giving his Maiesty satisfaction, we published a Declaration concerning that businesse, as an appeale to the people, and as if our intercourse with his Maiesty, and for his satisfaction, were now to no more purpose, which counte is alleged to be very unagreeable to the modesty and duty of former times, and not warrantable by any presidents, but what our selves have made.

If the penner of this Message had expected a while, or had not expected that two houses of Parliament (especially burthened as they are at this time with so many pressing and urgent affaires) should have moved as fast as himselfe, he would not have said, that Declaration was indeed of an Answer to his Maiesty, which we did dispatch withall the speed and diligence we could, and have sent it to his Maiesty, by a Committee of both houses, whereby it appeares, that we did it not upon that ground, that we thought it was no more to any purpose endeavour to give his Maiesty satisfaction; And as for the duty and modesty of former times, from which we are said to have varied & to want the warrant of any presidents therein, but what our selves have made, if wee have made any presidents this Parliament, we have made them for posterity, upon the same or better grounds of reason and Law, then those were, upon which our predecessors first made any for us; and as some presidents ought not to be Rules for us to follow, so none can be limits to bound our proceedings, which may and must vary according to the different condition of times, and for this particular of setting forth Declarations, for the satisfaction of the people, who have chosen, and intrusted us withall that is deerest unto them, if there be no example for it, it is because there were never any such monsters before, that ever attempted to disaffect the people from a Parliament, or could ever harbour a thought that it might be effected; were there ever such practices to Poyson the people, with an ill apprehension of the Parliament? were there ever such imputations, and scandalls laid upon the proceedings of both houses? were there ever so many, and so great breaches of priviledge of Parliament? were there ever so many and so desperate designes of force and violence against the Parliament, and the members thereof? if we have done more then our ancestors have done



we have suffered more then ever they have suffered and yet in point of modesty & duty, we shall not yeeld to the best of former times, and we shall put this in issue, whether the highest & most unwarrantable presidents, of any of his Majesties predecessors, do not fall short, & much below what hath bin done unto us this Parliament, and on th'other side, whether if we should make the highest presidents of other Parliaments our patterns, there will be cause to complain of want of modesty & duty in us, when we have not so much as suffered such things to enter into our thoughts, which all the world knowes, they have put in Act.

Another charge which is laid very high upon us; (and which were indeed a very great crime, if we were found guilty thereof) is that by avowing this Act of *Sir John Harbom*, we doe in consequence confound and destroy the right, and interest of all his Majesties good Subjects to their lands and goods; and that upon this ground that his Majesty hath the same title to his Towne of *Hull*, which any of his Subjects have to their houses or Lands and the same to his Magazine, & munition there; that any man hath to his money, Plate, or Jewells, and therefore that they ought not to have been disposed of, without or against his consent, no more then the houses, land, money, plate, or Jewells of any Subject ought to be without or against his will.

Heere that is laid downe for a principle; which would indeed pull up the very foundation of the liberty, property, and interest of every Subject in particular and of all the Subjects in general, if we should admit it for a truth that his Majesty hath the same right, and title to his Townes and to his Magazin (bought with the publique monies as we conceive that at *Hull* to have beene) that every particular man hath to his House, Lands, and Goods, for his Majesties Townes are no more his owne then his Kingdome is his own, and his Kingdome is no more his own, then his people are his owne, and if the King had a property in all his Townes, what would become of the Subjects property in their Houses therein and if he had a propriety in his Kingdome, what would become of his Subjects propriety in their Lands, throughout the Kingdome, or of their Liberties, if his Majesty had the same right in their persons, that every Subject hath in their Lands or goods? and what should become of all the Subjects interest, in the Townes and Forts of the Kingdome, and in the Kingdome it selfe, if his Majesty might sell or give them away, or dispose of them at his pleasure as a particular man may doe with his Lands, and with his Goods? this erroneous maxime being infused into Princes that their Kingdomes are their own, and that they may doe with them what they will (as if their Kingdomes

were for them, and not they for their Kingdome) is the Roote of all the Subjects misery, and of the invading of their just rights and liberties, whereas indeed they are only intrusted with their Kingdome, and with their Townes, and with their People, and with the publique treasure of the Common-Wealth, and whatsoever is bought therewith, and by the known Law of this Kingdome, the very Jewells of the Crown are not the Kings proper goods, but are only intrusted to him for the use and ornament thereof, as the Townes, Forts, treasure, Magazin, offices, and people of the Kingdome, and the whole Kingdome it selfe is intrusted unto him for the good and safety, and best advantage thereof, and as this trust is for the use of the Kingdome, so ought it to be mannaged by the advise of the Howses of Parliament whom the Kingdome hath trusted for that purpose, it being their duty to see it be discharged, according to the condition and the true intent thereof, and as much as in them Lies by all possible meanes to prevent the contrary, which if it hath been their chiefe care, and only aime in the disposing of the Town and Magazin of *Hull* in such manner as they have done, they hope it will appeare cleerely to all the world that they have discharged their own trust, and not invaded that of his Majesties, much lesse his property, which in this case they could not doe,

But admitting his Majesty had indeed had a property in the Town, and Magazin of *Hull*, who doubts but that the Parliament may dispose of any thing wherein his Majesty, or any Subject hath a right, in such a way as that the Kingdome may not be exposed to hazard or danger thereby, which is our case in the disposing of the Towne, and Magazin of *Hull*? And whereas his Majesty doth allow this, and a greater power to a Parliament, but in that sence only as he him selfe is a part thereof, we appeale to every mans conscience that hath observed our proceedings, whether wee disjoyned his Majesty from his Parliament, who have in all humble wayes sought his concurrence with us, as in this particular about *Hull*, and for the removall of the magazin there, so also in all other things; or whether these evill counsellors about him have not separated him from his Parliament, not only in distance of place but also in the discharge of this joint trust with them for the peace and safety of the Kingdome, in this and some other particulars.

We have given no occasion to his Majesty, to declare his Resolution with so much earnestnesse, that he will not suffer either, or both houses by their Votes, without or against his consent to enjoyne any thing that is forbidden by the Law, or to forbid any thing that is enjoyned

by the Law, for our Votes have done no such thing, and as we shall be very tender of the Law (which we acknowledge to be the safeguard, and custody of all publique and private interestes) so we shall never allow a few private persons about his Majesty, nor his Majesty himselfe in his own person, and out of his Courts to be judge of the Law, and that contrary to the judgement of the highest Court of judicature: in like manner that his Majesty hath not refused to consent to any thing that might be for the peace, and happinesse of the Kingdome, We cannot admit it in any other sense, but as his Majesty taketh the measure of what will be for the peace, and happinesse of the Kingdome, from some few ill effected persons about him, contrary to the advice and judgement of his great Councell of Parliament. And because the advice of both Houses of Parliament, hath thorough the suggestions of evill counsellors been so much undervalued of late, and so absolutely rejected and refused, wee hold it fit to declare unto the Kingdome (whose honor and interest is so much concerned in it) what is the priviledge of the great Councell of Parliament herein, and what is the obligation that lieth upon the Kings of this Realme to passe such bills, as are offered unto them by both Houses of Parliament, in the name, and for the good of the whole Kingdome, wherunto they stand ingaged both in conscience, and in justice; to give their royall assent; In conscience in respect of the Oath, that is or ought to be taken by the Kings of this Realme at their Coronation, as well to confirme by their royall assent such good Lawes as their people shall chuse, and to remedy by Law such inconveniences as the Kingdome may suffer, as to keep and protect the Lawes already in being, as may appeare both by the forme of the Oath upon Record, and in books of good authority, and by the statute of the 25. Ed. 3. Entituled the statute of provisors of benefices, the forme of which Oath, and the clause of that statute concerning it are as followeth.

### Rot. Parliament 1. H. 4. N. 17.

**F**orma juramenti soliti & consueti prestari per Reges Anglia in eorum Coronatione.

*Servabis Ecclesie dei, cleroq; & populo pacem ex integro, & concordiam in deo secundum vires tuas.*

Respondabit, Servabo.

*Facies fieri in omnibus judiciis tuis equam & rectam justitiam & discretionem in misericordia, & veritate secundum vires tuas.*

Respondēbit, Faciam.

*Concedis justas leges & consuetudines esse tenendas; & promittis per te eas esse protegendas, & ad honorem Dei corroborandas quas unguis elegeris secundum vires tuas.*

Respondēbit concedo & promitto.

*Adiciantque predictis interrogationibus qua iusta fuerint, prænunciat isq; omnibus confirmet Rex se omnia servatur Sacramento super altare praestito coram cunctis.*

*A clause in the preamble of a statute made, 25. Ed. 3. Entitled  
the statute of Provisories of Benefices.*

Wherupon the said Commons have prayed our said Lord the King, that sith the right of the Crown of England, and the Law of the said Realme is such, that upon the mischief, and damages which happen to the Realme, he might, and is bound by his Oath, with the accord of his people in his Parliament, thereof to make remedy, and Law, and in removing the mischief, and damages which thereof issue, that it may please him thereupon to ordain remedy.

Our Lord the King seeing the mischief, and damage before mentioned, and having regard to the said statute made in the time of his said Grandfather, and to the causes contained in the same, which statute holdeth alwayes his force, and was never defeated repealed nor aduiled in any point, and by so much he is bound by his Oath to cause the same to be kept as the Law of his Realme, though that by sufferance and negligence it hath been sithence attempted to the contrary, Also having regard to the grievous complaints made to him by his people, in divers his Parliaments holden heretofore, willing to ordaine remedy for the great damages, and mischief which have happened, and dayly doe happen to the Church of England by the said cause.

Here the Lords and Commons claime it directly as the right of the Crowne of England, and of the Law of the Land, and that the King is bound by the Oath with the accord of his people in Parliament, to make remedy and Law upon the mischief, and damages which happen to this Kingdome; And the King doth not deny it, although he take occasion, from a statute formerly made by the Grandfather, which was laid as part of the Grounds of this petition, to fix his answer upon another branch of his Oath, and pretermitt that which is claymed by the Lords and Commons, which he would not have done if it might have bene excepted against.

In justice they are obliged hereunto, in respect of the trust reposed in them, which is as well to preserve the Kingdom by the making of new Lawes, whither shall be need, as by the observing of Lawes already made, a Kingdome being many times as much exposed to ruine for the want of a new Law, as by the violation of those that are in being, and this is so cleere a right, that no doubt his M. Jesty will acknowledge it to be as due unto his people as his Protection, but how far forth he is obliged to follow the judgement of his Parliament therein, that is the question. And certainly besides the Words in the Kings Cath, referring us to such Lawes as the people shall choode, as in such things which concerne the Publike Weale, and good of the Kingdome, they are the most proper Judges who are sent from the whole Kingdom for that very purpose. So we doe not find that since Lawes have passed by way of Bills (which are read thrice in both Houses, and every part and circumstance of them fully weighed, and debated upon the Commitment, and at last passed in both Houses) that ever the Kings of this Realme did deny them otherwise then is expressed in that usuall Answer, *Ex Reg. Responsio*, which signifies rather a suspension then a refusal of the Royall Assent & in those other Lawes which are framed by way of Petitions of Right, the Houses of Parliament have taken themselves to be so far Judges, of the Rights claimed by them, that when the Kings Answer hath not in every point bene fully according to their desire, they have still insisted upon their claime, and never rest satisfied, till such time as they had an Answer according to their demand, as was done in the late Petition of Right, and in former times upon the like occasions, and if the Parliament be Judge between the King and his People, in the question of Right, (as by the manner of the claime in Petitions of Right, and by judgement in Parliament, I mean of illegal suppositions, and taxes, and the like it appeareth to be) why should they not, also in the question of the common good and necessity of the Kingdome, wherein the Kingdome hath as cleere a Right as to have the benefit and remedy of Law as in any thing whatsoever, and yet we doe not deny but in private Bills and also in publike Acts of grace, as Pardons and the like graces of favour, his Majesty may have a great Latitude of granting or denying, as he shall thinke fit.

All this considered, we cannot but wonder that the contrivour of this Message should conceive the people of this Land to be so void of common sense as to enter into so deep a mistrust of those that they have, and his Majesty ought to repose so great a trust in, as

to dispaire of any security in their private estates, by descents, purchases, assurances, or conveyances, unlesse his Maj.<sup>tie</sup> should by his vote, prevent the prejudice they might receive therein by the votes of both Houses of Parliament, as if they who are especially chosen and intrusted for that purpose, and who themselves must needs have so great a share in all grievances of the Subjects, had wholly cast off all care of the Subjects good, and his Maj.<sup>ty</sup> had sely taken it up, and as if it could be imagined that they should by their votes overthrow the Rights of descents, purchases, or of any conveyance or assurance; in whose judgement the whole Kingdome hath placed all, their particular intrests if any of them should be called in question in any of those cases, and that (as knowing not where to place them with greater security) without any appeale from them to any other person or Court whatsoever.

But indeed we are very much to seeke, how the case of *Hu?* should concerne descents and purchases or conveyances and assurances, unlesse it be in procuring more security to Men, in their private interesses, by the preservation of the whole from confusion and destruction; and much lesse doe we understand, how the Sovereaign power was resisted and despised therein, certainly no command from his Majesty, and his High Court of Parliament; (where the Sovereaign power resides) was disobeyed by *Sir John Hobbs*, nor yet was his Majesties Authority derived out of any other Court, nor by any legall commission, or by any other way wherein the Law hath appoynted his Maj.<sup>ties</sup> commands to be derived to his Subjects, and of what validity his verball commands are, without any such stampe of his Authority upon them, and against the order of both Houses of Parliament, and whither the not submitting thereunto be a resisting and despising of the Sovereaign Authority, we leave it to all men to judge, that doe at all understand the government of this Kingdome.

We acknowledge that his Majesty hath made many expressions of his zeale and intentions against the desperate designs of Papists, but yet it is also as true that the counsels which have prevailed of late with him, have beene little suitable to those expressions and intentions, for what doth more advance the open and bloody designs of the Papists in *Ireland*, (whereon the secret plots of the Papists here doe in all likely-hood depend) then his Majesties absenting himselfe in that manner that he doth from his Parliament; and setting forth such sharpe invectives against them, notwithstanding all the humble Petitions & other means which his Parliament hath addrest unto him for his retaine and



for his satisfaction concerning their proceedings? and what was more likely to give a rise to the designs of the Papists (whereof there are many in the North, neere to the Towne of Hull) and of other Malignant and ill affected persons which are ready to joyne with them, or to the attempts of forrainers from abroad, then the continuing of that great Magazine at Hull at this time, & contrary to the desire and advise of both Houses of Parliament? so that we have too much cause to believe that the Papists have still some way and meanes whereby they have influence upon his Majesties Councell, for their owne advantage.

For the Malignant party, his Majesty needeth not a definition of the Law, nor yet a more full Character of them, from both Houses of Parliament, for to find them out, If he will please only to apply the Character that himselfe hath made of them, to those into whom it doth properly & truly belong, who are so much disaffected to the peace of the Kingdome, as they that endeavour to disaffect his Majesty from the Houses of Parliament, and perswade him to be at such a distance from them, both in place and affection? Who are more disaffected to the government of the Kingdome than such as lead his Majesty away from hearkning to his Parliament, which by the constitution of this Kingdome, is his greatest and best Councell; and perswade him to follow the malicious Counsells of some private men, in opposing and contradicting the wholesome advices and just proceedings of that his most faithfull Councell, and highest Court? Who are they that not onely neglect, and despise, but labour to undermine the Law under colour of maintaining of it, But they that endeavour to destroy the fountaine and Conservatory of the Law, which is the Parliament? and who are they that set up other Rules for themselves to walke by, then such as according to Law, but they that will make other judges of the Law, then the Law hath appoynted, and so dispence with their obedience to that which the Law calleth Authority, and to their determinations and resolutions to whom the judgement doth appertaine by Law? For when private persons shall make the Law to be their Rule, according to their owne understandings, contrary to the judgement of those that are the Competent Judges thereof, they set up to themselves other Rules then the Law doth acknowledge, who these persons are, none knoweth better then his Majesty himselfe, and if he would take all possible caution of them, as destructive to the Common-Wealth and himselfe, and would remove them from about him, it would be the most effectuall meanes to compose all the Distractions, and to cure the Distempers of this Kingdome.

For the Lord Digby his Letter we did not make mention of it as  
a ground to hinder his Majesty from visiting his town of Exeter: but we  
appeale to the judgement of any indifferent man, that shall read  
that Letter, and compare it with the posture that his Maiestie  
then did, and still doth stand in towards the Parliament, and  
with the circumstances of that late Action of his Maiestie, in go-  
ing to Hull, whether the advisers of that Journey intended onely a  
visit of that Fort and Magazine: as to the wayes and overtures of  
accommodation, and the Message of the 20. of January last so often  
referred, but still in vaine as is alleged. Our Answer is, that al-  
though so often as the Message of the 20. of January hath bene  
pressed, so often have our Priviledges bin clearly infringed,  
that a way and Method of proceeding should be prescribed un-  
to us, as well for the settling of his Maiesties Revenue, as for the  
preventing of a ouerowne desires, a thing which in former Parlia-  
ments hath alwayes bin excepted against as a reach of priviledge,  
ye in respect to the matter contained in that Message, & out of our  
earnest desire to bring a good understanding between his Majesty  
& us, We swallowe it down all matters of circumstance, and ha-  
ve ere this time presented the chiefe of our desires to his Maiestie,  
had we not bene interrupted with continuall denials, even of  
things that were necessary for our present security & subsistence,  
and had not those denials bene followed with perpetuall invec-  
tives against us, and our proceedings, and had not those invec-  
tives bene heaped upon us so thicke one after another (who  
were in a manner wholly taken up with the pressing affaires of  
of this Kingdome, and of the Kingdome of Ireland) that as We  
had little encouragement from thence to hope of any good an-  
swers to our desires, So We had not so much time left us to per-  
fect them in such a manner as to offer them to his Maiestie.

We confesse it is a resolution most worthy of a Prince and of  
his Maiestie, to shut his eares against any that would incline him  
to a Civill warre, and so abhorre the very apprehension of it.  
But We cannot beleve that mind to have bene in them that  
came with his Maiestie to the House of Commons, or in them  
that accompanied his Maiestie to Hampton Court and appeared in  
a warlike manner at Kingston upon Thames, or in divers of them  
that followed his Maiestie now lately to Hull, or in them that  
after drew their swords at York, demanding who would be for  
the King, nor in them that advised his Maiestie to declare Sir John  
Barham a Traytor before the Message was sent concerning that  
business to the Parliament, or to make propositions to the Gen-  
tlemen of the County of York to assist his Maiestie to proceed  
against him in a way of force before he had, or possibly could be

eeive an Answer from the Parliament, to whom he had sent to demand justice of them against Sir John Horham for that fact, And if those malignant spirits shall ever force us to defend our Religion, the Kingdome, the priviledges of Parliaments, and the Rights and liberties of the subiects, with our swords, the blood and destruction that shall ensue thereupon must be wholly cast upon their account, God and our owne Consciences tell us that we are cleere, and we doubt not but God and the whole world will cleare us herein.

For Capaine Leg, we did not say that he was accused, or that there was any charge against him; for the bringing up of the Army, but that he was employed in that business: and for that Question concerning the Earle of New-Castle, mentioned by his Majesty, which is said to have bin asked long since, and that it is not easie to be answered; we conceive that it is a Question of more difficulty, and harder to be answered, why, when his Majesty held it necessary upon the same grounds that first moved from the Houses of Parliament, that a Governour should be placed in that Towne, Sir John Horham, a Gentleman of knowne fortune and integrity, and a Person of whom both Houses of Parliament had expressed their Confidence, should be refused by his Majesty, and the Earle of New-Castle (who by the way was so farre named in the business of the bringing up of the Army, that although there was not ground enough for a judicial proceeding, yet there was ground of suspicion, at least, his reputation was not left so unblemished thereby, as that he should be thought the fittest man in England for that employment of Hull) should bee sent downe in a private way from his Majesty, to take upon him that Government, and why he should disguise himselfe under another name, when he came thither as he did. But whosoever shall consider together with these Circumstances, that at the time when Sir John Horham was first appointed by both Houses of Parliament to take upon him that employment, which was presently after his Ma<sup>ties</sup> coming to the House of Commons, & upon his retyring himselfe to Hampton-Court, and the Lord Digby assembling of Cavaliers at Kingston upon Thames, will find reason enough why that Towne should be committed rather to Sir John Horham by the Authority of both Houses of Parliament, then to the Earle of New-Castle sent from his Majesty, in that manner that hee was, and for the power that Sir John Horham hath from the Houses of Parliament, the better it is knowne and understood, we are confident the more it will be approved of, and justified.

And as we doe not conceive that his Majesties refusal to have

that Magazine removed, could give any example against him, to have it taken from him, and as no such thing is done, so we cannot conceive for what other reason any should counsell his Maestie not to suffer it to be removed, upon the desire of both Houses of Parliament, except it be that they had an intention to make use of it against them.

We did not except against those that presented a Petition to his Majesty at York, for the continuation of the Magazine at Hull, in respect of their condition, or in respect of their number, because they were meane persons, or because they were few, but because they being but a few, and there being so many more in the Countie of as good quality as themselves (who have by their Petition to his Majesty disavowed that Act of theirs) that they should take upon them the stile of all the Gentry and Inhabitants of that Countie, and under that stile should presume to interpose their advice contrary to the Votes of both Houses of Parliament, and if it can be made to appeare that any of those Petitions that are said to have bin presented to the Houses of Parliament, and to have bin of a strange nature, were of such a nature as that, we are confident that they were never received with our consent and approbation.

Whether there was an intention to deprive Sir *John Hobham* of his life, if his Majesty had bin admitted into Hull, and whether the information were such, as that he had ground to believe it we will not bring it into Question, for that was not, nor ought to have bin the ground for doing what he did, neither was the number of his Majesties attendants for being more or fewer, much considerable in this case, for although it be true, that if his Majesty had entred with twenty Horse onely, he might happily have found meanes for to have forced the entrance of the rest of his trayne, who being once in the Towne, would not have bin long without Armes, yet that was not the ground that Sir *John Hobham* was to proceed upon, but upon the admittance of the King into the Towne at all so as to deliver up the Towne and Magazine unto him, and to whomsoever he should give the command thereof, without the consent & knowledge of both Houses of Parliament, by whom he was entrusted to the contrary, and his Majesty having declared that to be his intention concerning the Towne, in a Message that he sent to the Parliament, not long before he went to Hull, saying that he did not doubt but that the towne should be delivered unto him, whensoever he pleased, as supposing it to be kept against him, and in the like manner concerning his Magazine, in his Message of the twenty fourth of Aprill, wherein it

it is expresse that his Majestie went thither with a purpose to take into his hand the Magazine, and to dispose of it in such manner as he should thinke fit: upon these termes Sir *John Hotham* could not have admitted his Majesty, and have made good his trust to the Parliament, though his Majesty would have entred along without any attendance at all of his owne, or of the Prince or Duke his Sons, which we doe not wish to be lesse then they are in their number, but could heartily wish that they were generally better in their conditions.

In the close of this message his Majesty states the case of Hull, and thereupon inferreth that the Act of Sir *John Hotham* was leavying of war against the King, and consequently that it was no lesse then high Treason, by the Letter of the Statute of 25, E. 3. Cap. 2. unless the sence of that statute be very far differing from the letter thereof.

In the stating of this case, diverse particulars may be observed, wherein it is not rightly stated: as first, that his Majesty's going to Hull, was onely an endeavour to visit a Towne and Fort of his, whereas it was indeed to possess himselfe of the Towne and Magazine there, and to dispose of them as he himselfe should thinke good, without, and contrary to the advices and orders of both Houses of Parliament, as doth clearly appeare by his Majesties owne declaration, of his intentions therein, by his Messages to both Houses, immediately before and after that journey, nor can we believe that any man that shall consider the circumstances of that Journey to Hull, can thinke that his Majesty would have gone thither at that time, and in that posture, that hee was pleased to put himselfe in towards the Parliament, if he had intended onely a visit of the Towne and Magazine. Secondly, it is said to be his Majesty's owne Towne, and Magazine, which being understood in that sence as was before expresse'd, as if his Majesty had a private interest of property therein, we cannot admit it to be so. Thirdly, which is the maine point of all, Sir *John Hotham* is said to shut the Gates against his Majesty, and to have made resistance with armed men, in defiance of his Majesty, whereas it was indeed in obedience to him, and his authority, and for his service, and the service of the Kingdom, for which use onely all that interest is, that the King hath in the Towne, and it is no further his to dispose of, then he useth it for that end, and Sir *John Hotham* being commanded to keepe the Towne and Magazine for his Majesty and the Kingdom; and not to deliver them up, but by his Majesties authority, signified by by both Houses of Parliament all that is to be understood by those expressions of his denying and



and opposing his Maiesties entrance, and telling him in plaine  
fearmes he should not come in, was onely this, that hee humbly  
desired his Majestie to forbear his entrance, till he might acquaint  
the Parliament therewith, and that his Authority might come  
signified to him by both Houses of Parliament, according to the  
trull reposed in him, and certainly if the letter of the Statute  
of 25. Ed. 3. cap. 2. be thought to import this, that no war can  
be leavyed against the King, but what is directed and intended a-  
gainst his person, or that every leavying of forces for the defence  
of the Kings authority, and of his Kingdom, against the Perio-  
nall commands of the King, opposed therunto, though accom-  
panied with his presence, is leavying war against the King, is ve-  
ry far from the sence of that statute, and so much the statute it  
selfe speaks (besides the authority of booke cases, presidents of  
diverse Traytors condemned upon that interpretation thereof)  
for if the clause of leavying of war had bin meant onely against  
the Kings Person, what need had there bin thereof, after the other  
branch of Treason in the same statute of compassing the Kings  
death, which would necessarily have implied this? and becauso  
the former clause doth imply this, it seems not at all to be in-  
tended in this latter branch, but onely the leavying of warre a-  
gainst the King; that is, against his lawes and authority, and the  
leavying of war against his lawes and authority, though not a-  
gainst his person, is leavying war against the King; but the leavy-  
ing of force against his personall commands, though accompa-  
nied with his presence, and not against his Lawes and authority,  
is no leavying of war against the King, but for him; here is then  
our case; in a time of so many successive plots and designes of  
force against the Parliament; and Kingdome, in a time of pro-  
bable invasion from abroad; and that to begin at Hull, and to take  
the opportunity of siezing upon so great a Magazine there, in a  
time of so great distance, and alienation of his Majesties affec-  
tions from his Parliament, and in them for his Kingdome, which  
they represent, by the wicked suggestions of a few malignant  
Persons; by whose mischievous Counsels, he is wholly led away  
from his Parliament; and their faithfull advices and Counsels, in  
such a time the Lords and Commons in Parliament, command  
Sir John Norham to draw in some of the Trayned bands of the  
parts adjacent to the Towne of Hull, for the securing that Town  
and Magazine, for the service of his Majestie and the Kingdome,  
of the safety whereof there is a higher trust reposed in them, then  
any where else, and they are the proper Iudges of the danger  
thercof.



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This Town and Magazine being intrusted to Sir *John Hotbam*, with expresse Order not to deliver them up, but by the King His Authority, signified by both Houses of Parliament: His Majesty, contrary to the advice and direction of both Houses of Parliament, without the authority of any Court, or of any legall way, wherein the Law appoints the King, to speak and command, accompanied with the same evill Councell about him that he had before, by a Verball Command requires Sir *John Hotbam* to admit him into the Town, that he might dispose of it, and of the Magazine there, according to His own, or rather, according to the pleasure of those evill Councillors who are still in so much Credit about Him, in like manner as the Lord *Digby* hath continuall Recourse unto, and Countenance from the Queens Majesty in *Holland*, by which means he hath opportunity still to communicate his Trayterous Suggestions and Conceptions to both Their Majesties, such as those were concerning His Majesties retiring to a place of Strength, and declaring Himself, and his own advancing of His Majesties Service in such a way beyond the Seas, and after that resorting to His Majesty in such a place of Strength, and diverse other things of that nature, contained in his Letter to the Queens Majesty, and to Sir *Lewis Dives*, a person that had not the least part in this late businesse of *Hull*, and was presently dispatched away into *Holland* soon after His Majesties return from *Hull*, for what purpose, we leave the World to judge. Upon the refusall of Sir *John Hotbam* to admit His Majesty into *Hull*, presently, without any due Proceffe of Law, before His Majesty had sent up the Narration of his Fact to the Parliament, he was proclaimed Traytor, and yet is said that therein there was no violation of the Subjects Right, nor any breach of the Law, nor of the Priviledge of Parliament, though Sir *John Hotbam* be a Member of the House of Commons; And that His Majesty must have better Reason then bare Votes, to believe the contrary: Although the Votes of the Lords and Commons in Parliament, being the great Councell of the Kingdom, and the Reason of the King and Kingdome, yet those Votes do not want cleer and apparant reason for them; for if the solemn proclaiming a man a Traytor signifie any thing, it puts a man, and all those that any wayes ayd, assist, or adhere unto him, into the same condicion of Traytors, and draws upon him all the Consequences of Treason: And if this may be done by Law, without due Proceffe of Law, the Subject hath a very poor defence of the Law, and a very small (if any) proportion of Liberty thereby; and it is as little satisfaction to a man that shall be exposed to such penalties, by that declaration of him to be a Traytor to say he shall have a legall Tryall afterwards, as it is to condemn a man first, and try him afterwards: And if there can be a necessity for any such proclayming a man a Traytor without due Proceffe of Law, yet there was none in this

case, for His Maieſty might have as well expected the judgement of Parliament (which was the right way, as He had leiſure to ſend to them, to demand Juſtice againſt Sir *John Hoſham*.) And the breach of Priviledge of Parliament is as cleer in this Caſe, as the ſubverſion of the Subjects common Right; for though the Priviledge of Parliament do not extend to thoſe caſes mentioned in the declaration of Treason, Felony, and breach of the peace, ſo as to exempt the Members of Parliament from puniſhment, nor from all manner of Proceſſe and tryall, as it doth in other Caſes; yet it doth priviledge them, in the way and method of their Tryall and puniſhment: And that the Parliament ſhould have the Cauſe firſt brought before them, that they may iudge of the fact, and of the grounds of the Accuſation, and how farre forth the manner of their Tryall may concern or not concern the Priviledge of Parliament; otherwiſe, it would be in the power, not only of His Maieſty, but of every private man, under pretentions of Treasons, or thoſe other crimes, to take any man from his ſervice in Parliament, and ſo as many one after another as he pleaſeth, and conſequently to make a Parliament what he will when he will, which would be a breach of ſo Eſſentiall a Priviledge of Parliament, as that the very Being thereof depends upon it; and therefore we no wayes doubt, but every one that hath taken the Proteſtation, will, according to his ſolemne Vow and Oath, defend it with his Life and Fortunes: Neither doth the fitting of a Parliament ſuſpend all or any Law, in maintaining that Law which upholds the priviledge of Parliament, which upholds the Parliament, which upholds the Kingdome: And we are ſo farre from believing that His Maieſty is the onely perſon againſt whom Treason cannot be committed, that in ſome ſenſe we acknowledge, He is the onely perſon againſt whom it can be committed, that is, as He is King; and that Treason which is againſt the Kingdome, is more againſt the King then that which is againſt His perſon becauſe He is King, for that very Treason is not Treason, as it is againſt Him as a man, but as a man that is a King, and as He hath Relation to the Kingdome, and ſtands as a perſon intruſted with the Kingdom, and diſcharging that Truſt. Now the Caſe is truly ſtated, and all the world may judge where the fault is, although we muſt avow, that there can be no competent Judge of this, or any the like Caſe, but a *Parliament*: and we are as confident that his Maieſty ſhall never have cauſe to reſort to any other Court or Courſe for the vindication of his juſt Priviledges, and for the recovery and maintenance of his known and undoubted Rights, if there ſhould be any inſaſion or violation thereof, than to his high Court of Parliament: and in caſe thoſe wicked Counſellors about him ſhall drive him into any other courſe, from or againſt his Parliament (whatever are his Maieſties expreſſions and intentions; we ſhall appeale to all mens conſciences, and deſire that they  
would

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would lay their hands upon their hearts, and think with themselves whether such persons as have of late, and still do resort to his Majesty, and have his Eare and Favor most, either have bin, or are more zealous assertors of the true Protestant profession (although we believe they are more earnest in the Protestant *Profession* than in the Protestant *Religion*) or of the Law of the Land, the Liberty of the Subject, and the Priviledges of the Parliament, then the Members of both Houses of Parliament, who are insinuated, to be the desertors, if not the destroyers of them; and whether if they could master this Parliament by force, they would not hold up the same power to deprive us of all Parliaments, which are the ground and pillar of the Subjects Liberty, and that which onely maketh *England* a free Monarchy. For the Order of Assistance to the Committees of both Houses, as they have no directions or instructions, but what have the Law for their limits, and the safety of the Land for their ends, so we doubt not but all persons mentioned in that Order, and all his Majesties good Subjects will yeeld obedience to his Majesties Authority signified therein by both Houses of Parliament: And that all men may the better know their duty in matters of that nature, and upon how sure a ground they go that follow the Iudgement of Parliament for their guide, we wish them judiciously to consider the true meaning and ground of that Statute made in the 11 year of *H. 7. cap. 1.* which is printed at large in the end of his Majesties message of the 4 of *May*; This Statute provides, that none that shall attend upon the King, and do him true service shall be attained, or forfeit any thing: What was the scope of this Statute? To provide, that men should not suffer as Traytors for serving the King in his Wars, according to the duty of their Allegiance. If this had been all, it had been a very needlesse and ridiculous Statute: Was it there intended (as they may seem to take the meaning of it to be, that caused it to be printed after his Majesties message) that they should be free from all crime and penalty, that should follow the King and serve him in Warre in any case whatsoever; whether it were for, or against the Kingdom, and the Laws thereof; that cannot be. For that could not stand with the duty of their Allegiance, which in the beginning of this Statute is expressed, to be to serve the King for the time being in his Warres, for the defence of him, and the Land: and therefore if it be against the Land (as it cannot be understood to be otherwise, if it be against the Parliament, the representative body of the Kingdom,) it is a declining from the duty of Allegiance, which this Statute supposeth may be done, though men should follow the Kings Person in the Warre, otherwise there had been no need of such a proviso in the end of this Statute, that none should take benefit thereby, that should decline from their Allegiance. That therefore which is the principle Verb in this Statute, is, the serving of the King for the

the time being, which cannot be meant of a Perkin Warbeck, or any that should call himself King, but such a one, as what ever his title might prove, either in himself, or in his Ancestors, should be received and acknowledged for such by the Kingdom; the consent whereof cannot be discerned but by Parliament; the Act whereof, is the Act of the whole Kingdom, by the personall suffrage of the Peers, and the diligate consent of all the Commons of England, and Henry 7. a wise King, considering that what was the case of Richard the third, his Predecessors might by chance of battell be his own, and that he might at once by such a Statute as this, satisfie such as had served his Predecessors in the Warres, and also secure those that should serve him, who might otherwise fear to serve him in the Warres, least by chance of battell that might happen to him also, (if a Duke of York had set up a title against him) which had happened to his Predecessors. He procured this Statute to be made, That no man should be accounted a Traytor for serving the King in his Warres for the time being, that is, Which was for the present, allowed, and received by the Parliament, in behalf of the Kingdom; And as it is truly suggested in the Preamble of the Statute, it is not agreeable to reason or conscience, that it should be otherwise, seeing men should be put upon an impossibility of knowing their duty, if the Judgement of the highest Court should not be a rule and guide to them; and if the Judgement thereof should be followed where the question is who is King, much more, what is the best service of the King and Kingdom; And therefore, Those that shall guide themselves by the Judgement of Parliament ought, whatever happen, to be secure and free from all accompt and penalties, upon the grounds, and equity of this very Statute.

We shall conclude, That although those wicked Councellors about His Majesty have presumed under His Majesties Name, to put that dishonour and affront upon both Houses of Parliament, as to make them the countenancers of Treason, enough to have dissolved all the Bonds and Licences of confidence between His Majesty, and His Parliament, (of whom the Maxime of the Law is, that a dishonourable thing ought not to be imagined of them;) Yet we doubt not, but it shall in the end appear to all the world, That our endeavours have been most hearty and sincere, for the maintenance of the true Protestant Religion, the Kings just Prerogatives, the Laws and liberties of the Land, and the privileges of Parliament; In which endeavour, by the grace of God, we will still persist, Though we should perish in the Work, which if it should be, it is much to be feared, that Religion, Laws, Liberties, and Parliaments, would not be long lived after us.

FIN IS.

